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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

14 | LUIS GAYTAN,

**Case No.: 07-CV-2353-L-BLM**

*Plaintiff,*

**JOINT SCHEDULING REPORT  
PURSUANT TO FED.R.CIV.P. 26  
[PROPOSED]**

vs.

***Jury Trial Requested by Plaintiff***

## **CITY OF BRAWLEY, OFFICER TORRES.**

**CASE MANAGEMENT CONFERENCE**  
**DATE: JUNE 30, 2008**  
**TIME: 9:00 A.M. (TELEPHONIC)**  
**HON. BARBARA L. MAJOR**

### *Defendants.*

24 Pursuant to Federal Rule of Civil Procedure 26(f), and the order of this United States  
25 District Court for the Southern District of California, plaintiff LUIS GAYTAN (hereinafter  
26 “plaintiff”), by and through his attorney of record, and defendants CITY OF BRAWLEY and  
27 OFFICER TORRES (hereinafter “defendants”), by and through their attorneys of record, submit  
28 the following Joint Proposed Discovery Plan pursuant to Fed. R. Civ. P. 26(f).

1 Pursuant to Rule 26 of the Federal Rules of Civil Procedure, the undersigned met and  
2 conferred on June 13, 2008, and respectfully submit this Joint Scheduling Report with proposed  
3 deadlines for the above-entitled action.

4 **1. Initial Disclosures:**

5 The parties will exchange initial disclosures pursuant to Rule 26(a)(1)(A-D) on or before  
6 June 27, 2008, pursuant to the Order of the Court.

7 **2. Adding Parties:**

8 The deadline for adding new parties shall be October 27, 2008.

9 **3. Amended Pleadings:**

10 The deadline for filing amended pleadings shall be October 27, 2008.

11 **4. Expert Witnesses:**

12 In accordance with Fed. R. Civ. P. 26(a)(2)(A) and (B), the deadlines for disclosure of  
13 expert witnesses who may be used at trial to present evidence under Federal Rules of Evidence  
14 702, 703, or 705 are as follows:

15 Plaintiff's experts: November 24, 2008;  
16 Defendant's experts: December 22, 2008; and  
17 Plaintiff's rebuttal experts: January 5, 2009.

18 **5. Written Discovery:**

19 All written discovery shall be completed by November 24, 2008.

20 **6. Depositions:**

21 All depositions shall be completed by January 26, 2009.

22 **7. Pre-Trial Motion Cutoff:**

23 The deadline for filing pre-trial motions shall be February 23, 2009.

24 **8. Trial Ready Date:**

25 The parties anticipate the case will be ready for trial on June 29, 2009, and will be  
26 available for the Pre-Trial Conference 14 days before that date

27 **9. Jury Demand:**

28 A jury demand has been made by both plaintiff and defendants.

1           **10.     Estimated Length of Trial:**

2           The parties estimate the length of trial to be 5 days with a jury.

3           **11.     Settlement Conference:**

4           The parties request that the Court set a court-sponsored settlement conference prior to  
5           the trial date.

6           **12.     Additional Matters:**

7           (a)    Changes in the timing, form, or requirement for disclosures under Rule  
8           26(a), including a statement of when initial disclosures were made or will  
9           be made:

10           The parties are not aware of any such changes needed at this time,  
11           and make no such requests.

12           (b)    Subjects on which discovery may be needed, when discovery should be  
13           completed, and whether discovery should be conducted in phases or be  
14           limited to or focused on particular issues:

15           The parties are aware of no other discovery issues than those  
16           addressed above.

17           (c)    Issues about disclosure or discovery of electronically stored information,  
18           including the form or forms in which it should be produced:

19           The only electronically stored information that plaintiff is aware  
20           of at this time is the initial call to the police that led to the arrest that is  
21           the subject of this action, as well as possibly other calls to or from the  
22           police, recorded electronic transmissions and records, and recorded  
23           witness statements related to the subject incident. Plaintiff hereby  
24           requests that defendants preserve all electronically stored information that  
25           is related in any manner to the subject of this action so that it can be  
26           produced in response to discovery requests at the appropriate time, and at  
27           trial. Plaintiff also requests that copies of all such electronically be  
28           produced in response to discovery requests and at trial in the same

1 manner and form as kept by defendants in the usual course of business.

2 (d) Issues about claims of privilege or of protection as trial-preparation  
 3 materials:

4 The parties are not aware of any such claims at this time, and  
 5 make no such claims. However, the parties reserve the right to make such  
 6 requests as litigation proceeds, if warranted.

7 (e) Changes in the limitations on discovery imposed under these rules or by  
 8 local rule, and what other limitations should be imposed:

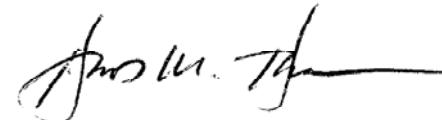
9 The parties request that no limitations be imposed on discovery  
 10 other than those set by the Federal Rules of Civil Procedure and the Civil  
 11 Local Rules of this District.

12 (f) Any other orders that the court should issue under Rule 26(c) or under  
 13 Rule 16(b) and (c):

14 The parties are not aware of any such orders required at this time,  
 15 and make no such requests.

16 HEWELL LAW FIRM, APC

17 DATED: June 13, 2008.



19  
 20 Harold M. Hewell  
 21 Attorney for Plaintiff Luis Gaytan

22 GIBBS & FUERST, LLP

23 DATED: 6/20 , 2008.

24 /s/ Steven A. Tisi  
 25 Michael T. Gibbs  
 26 Steven A. Tisi  
 27 Attorneys For Defendants City of  
 28 Brawley and Officer Torres